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10/789,084	02/27/2004	Robert W. Turner	BO1-0213US	7534
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LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201			EXAMINER ABDI, AMARA	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/789,084

**Applicant(s)**

TURNER ET AL.

**Examiner**

Amara Abdi

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 24-29 is/are pending in the application.  
4a) Of the above claim(s) 13-23 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-12 and 24-29 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's response to the last office action, filed April 26<sup>th</sup>, 2008 has been entered and made of record.
2. Applicant's arguments with respect to claims 1-12, and 24-29 have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder (US 6,643,641) in view of Lipson et al. (US 6,463,426).

### **(1) Regarding claims 1 and 7:**

Snyder discloses a method and apparatus (column 1, line 7), (the apparatus is read as the same concept as the system) comprising:

storing at least one of an image data or image information products in a database (column 8, line 46-50);

providing a search engine for searching the stored image data products (column 8, line 13-20; and column 8, line 35-40);

if a desired image data or image information product of a requestor (the requestor is read as a user) exists in the database, automatically generating a data

product based on the desired image data product (the data product is read as the reference files and links) and a predefined attributes (the predefined attributes are read as the URL address) of the image specified by a requester (column 13, line 52-55);

if a desired image data or image information product of a requester (the requester is read as a user) does not exist in the database, automatically analyzing the desired image data or image information product (column 11, line 20-21), (the analyzing of the desired image data is read as the same concept as the analyzing of the representative data) and developing an image data or image information product (column 8, line 40-41), (the developing of parameter information is read as the same concept as the developing of image data) based on the analysis and a predefined attributes (the predefined attributes are read as the URL address) of the image specified by a requester (column 13, line 56-61); and

automatically sending the generated or developed image data or image information product to the requester (column 7, line 23-30; and column 13, line 39-46).

Snyder does not explicitly mention wherein the analysis and development is performed using an imaging algorithm selected from a plurality of available algorithm, the imaging algorithm being selected based upon the predefined attributes specified by the requester.

Lipson et al., in analogous environment, teaches an information search and retrieval system, where using an imaging algorithm selected from a plurality of available algorithm (Fig. 7, column 18, line 32-34), the imaging algorithm being selected based upon the predefined attributes specified by the requester (column 18, line 41-44).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the method of Lipson et al., where using the imaging algorithm, in the system of Snyder, in order to have the system be capable of automatically learning which factors are most important in searching for a particular image or for a particular type of image (column 2, line 25-29).

**(2) Regarding claims 5 and 11:**

Snyder further disclose the method and apparatus (column 1, line 7), (the apparatus is read as the same concept as the system), where sending includes at least one of electronically sending the image data or image information product to the requestor over a network, printing a hard copy and transporting the hard copy to the requester, and storing on a portable memory device and transporting the portable memory device to the requestor (column 8, line 6-10), (the use of the internet is read as the electronically sending of the image data to the requestor over the network).

5. Claims 2-3 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder and Lipson et al., as applied to claims 1 and 7 above, and further in view of Ogawa et al. (US 5,864,632).

**(1) Regarding claims 2 and 8:**

Snyder and Lipson et al. disclose all the subject matter as described in claims 1 and 7 above. Furthermore, Snyder discloses the generating of the desired image data (column 22, line 25-26), (the generating of "snapshot" is read as the same concept as

the generating of the desired image data) based on an imaging algorithm associated with the desired image data information (column 28, line 58-60) and stored in an algorithm database (column 8, line 46-50).

Snyder and Lipson et al. do not explicitly mention the instructing of plurality of remote sensing data sources to generate images, and the receiving of the generated images at the data management facility.

Ogawa et al., in analogous environment, teaches a map editing device for assisting updating of a three dimensional digital map, where instructing a plurality of remote sensing data sources to generate images (column 12, line 38-50), and receiving of the generated images at the data management facility (column 6, line 15-22).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Ogawa et al., where using a remote sensing data to generate images, in the system of Snyder in order to provide a map editing device which can easily supplement insufficient information and can easily remeasure an object that has changed (column 1, line 65-67).

**(2) Regarding claims 3 and 9:**

Snyder and Lipson et al. disclose all the subject matter as described in claims 2 and 8 above.

Snyder and Lipson et al. do not explicitly mention the instructing of plurality of remote sensing data sources to generate images, and the receiving of the generated images at the data management facility.

Ogawa et al., in analogous environment, teaches a map editing device for assisting updating of a three dimensional digital map, where instructing a plurality of remote sensing data sources to generate images (column 12, line 38-50), and receiving of the generated images at the data management facility (column 6, line 15-22).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Ogawa et al., where using a remote sensing data to generate images, in the system of Snyder in order to provide a map editing device which can easily supplement insufficient information and can easily remeasure an object that has changed (column 1, line 65-67).

6. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder, Lipson et al., and Ogawa et al., as applied to claims 3 and 9 above, and further in view of Henley (US-PGPUB 2003/0195838).

Snyder, Lipson et al., and Ogawa et al. disclose all the subject matter as described in claims 3 and 9 above.

Snyder, Lipson et al., and Ogawa et al. do not explicitly mention the method, where automatically reimbursing an owner of the algorithm that was used based on a reimbursement contract.

Henley, in analogous environment, teaches a method and system for provision and acquisition of products, where reimbursing a patient based on complex codes developed to help insurance companies code medical procedures (paragraph [0131], line 1-5), (the reimbursing of a patient by the insurance companies is read as the same

concept as the reimbursing the owner of the algorithm based on reimbursement contract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Henley, where reimbursing a patients based on insurance complex codes medical procedures, in the system of Snyder in order to reduce transactional costs associated with professional services and facilitating the selection process for obtaining professional services and products (paragraph [0002], line 5-8).

7. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder and Lipson et al., as applied to claims 1 and 7 above, and further in view of Bell et al. (US 5,422,989).

Snyder and Lipson et al. disclose all the subject matter as described in claims 1 and 7 above.

Snyder and Lipson et al. do not explicitly mention the method, where the plurality of remote sensing data sources includes one or more of a LandSat5 system, LandSat7 system, a MODIS system, aircraft system, ground based system, or a SPOT system.

Bell et al., in analogous environment, teaches a users interface mechanism for interactively manipulating displayed registered images obtained from multiple sensors having diverse image collection geometries, where SPOT satellite is used (column 6, line 31-40).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Bell et al., where using a SPOT satellite, in the system of Snyder in order to allow the operator to perform a true image information content examination associated with the exploitation process (column 3, line 49-51).

8. Claim 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder and Lipson et al., as applied to claims 1 and 7 above, and further in view of Jebens et al. (US 6,332,146).

Snyder and Lipson et al. disclose all the subject matter as described in claims 1 and 7 above.

Snyder and Lipson et al. do not explicitly mention the automatically billing of the requestor based on the generated or developed image information product.

Jebens et al., in analogous environment, teaches a method and apparatus for storing and printing digital images, where automatically billing the user (column 17, line 55-57; and line 65-67), (the sending of invoices to the users is read as the billing of users).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the method of Jebens et al., where billing the requestor, in the method of Snyder in order to provide storage of data as digital image and for routing and delivering orders incorporating a selected subsets of the stored data to a publishing facility or the like (column 1, line 10-13).

9. Claims 24-25, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder (US 6,643,641) in view of Jebens et al. (6,332,146) and Lipson et al. (US 6,463,426).

**(1) Regarding claim 24:**

Snyder discloses a method (column 1, line 7) comprising:

storing at least one of an image data or image information products in a database (column 8, line 46-50);

providing a search engine for searching the stored image data products (column 8, line 13-20; and column 8, line 35-40);

if a desired image data or image information product of a requestor (the requestor is read as a user) exists in the database, automatically generating a data product based on the desired image data product (the data product is read as the reference files and links) and a predefined attributes (the predefined attributes are read as the URL address) of the image specified by a requestor (column 13, line 52-55);

if a desired image data or image information product of a requestor (the requestor is read as a user) does not exist in the database, automatically analyzing the desired image data or image information product (column 11, line 20-21), (the analyzing of the desired image data is read as the same concept as the analyzing of the representative data) and developing an image data or image information product (column 8, line 40-41), (the developing of parameter information is read as the same concept as the developing of image data) based

on the analysis and a predefined attributes (the predefined attributes are read as the URL address) of the image specified by a requester (column 13, line 56-61); automatically sending the generated or developed image data or image information product to the requester (column 7, line 23-30; and column 13, line 39-46).

Snyder does not explicitly mention the automatically billing of the requestor based on the generated or developed image information product; and receiving payment information from a requestor, and using an imaging algorithm selected from a plurality of available algorithm to develop the image data or image information product, the imaging algorithm being selected based upon the predefined attributes specified by the requestor.

(a) Obviousness in view of Jebens et al.

Jebens et al., in analogous environment, teaches a method and apparatus for storing and printing digital images, where automatically billing the user (column 17, line 55-57; and line 65-67), (the sending of invoices to the users is read as the billing of users), and receiving payment information from a requestor (the payment information from the requestor is obvious, since the use of credit card is well known in the art, and may provide the user's payments information).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the method of Jebens et al., where billing the requestor, in the method of Snyder in order to provide storage of data as digital image and for routing and delivering orders incorporating a selected subsets of the stored data to a publishing facility or the like (column 1, line 10-13).

(b) Obviousness in view of Lipson et al.

Lipson et al., in analogous environment, teaches an information search and retrieval system, where using an imaging algorithm selected from a plurality of available algorithm (Fig. 7, column 18, line 32-34), the imaging algorithm being selected based upon the predefined attributes specified by the requestor (column 18, line 41-44).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the method of Lipson et al., where using the imaging algorithm, in the system of Snyder, in order to have the system be capable of automatically learning which factors are most important in searching for a particular image or for a particular type of image (column 2, line 25-29).

(2) Regarding claim 25:

Snyder discloses a method and apparatus (column 1, line 7), (the apparatus is read as the same concept as the system) comprising:

storing at least one of an image data or image information products in a database (column 8, line 46-50);

providing a search engine for searching the stored image data products (column 8, line 13-20; and column 8, line 35-40);

if a desired image data or image information product of a requestor (the requestor is read as a user) exists in the database, automatically generating a data product based on the desired image data product (the data product is read as the reference files and links) and a predefined attributes (the predefined attributes are read as the URL address) of the image specified by a requestor (column 13, line 52-55);

if a desired image data or image information product of a requestor (the requestor is read as a user) does not exist in the database, automatically analyzing the desired image data or image information product (column 11, line 20-21), (the analyzing of the desired image data is read as the same concept as the analyzing of the representative data) and developing an image data or image information product (column 8, line 40-41), (the developing of parameter information is read as the same concept as the developing of image data) based on the analysis and a predefined attributes (the predefined attributes are read as the URL address) of the image specified by a requester (column 13, line 56-61); and

automatically sending the generated or developed image data or image information product to the requester (column 7, line 23-30; and column 13, line 39-46).

Snyder does not explicitly mention wherein the analysis is performed using an imaging algorithm selected from a plurality of possible algorithms, the plurality of possible algorithms including at least one imaging algorithm that is generated by an algorithm associate based upon the predefined attributes specified by the requestor.

(a) Obviousness in view of Lipson et al

Lipson et al., in analogous environment, teaches an information search and retrieval system, where using an imaging algorithm selected from a plurality of available algorithm (Fig. 7, column 18, line 32-34), the imaging algorithm being selected based upon the predefined attributes specified by the requestor (column 18, line 41-44).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the method of Lipson et al., where using the imaging

algorithm, in the system of Snyder, in order to have the system be capable of automatically learning which factors are most important in searching for a particular image or for a particular type of image (column 2, line 25-29).

*(b) Obviousness in view of Jebens et al.*

Jebens et al., in analogous environment, teaches a method and apparatus for storing and printing digital images, where automatically billing the user (column 17, line 55-57; and line 65-67), (the sending of invoices to the users is read as the billing of users).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the method of Jebens et al., where billing the requestor, in the method of Snyder in order to provide storage of data as digital image and for routing and delivering orders incorporating a selected subsets of the stored data to a publishing facility or the like (column 1, line 10-13).

**(3) Regarding claim 26:**

Snyder discloses all the subject matter as described in claim 25 above.

Snyder does not explicitly mention the generating of at least one of the imaging algorithm generated by the algorithm associate.

Lipson et al., in analogous environment, teaches an information search and retrieval system, where using an imaging algorithm selected from a plurality of available algorithm (Fig. 7, column 18, line 32-34) wherein the imaging algorithm is generated by the algorithm associate (the Examiner interpreted the algorithm associate as inherent, because any algorithm may generated from an associated algorithm).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the method of Lipson et al., where using the imaging algorithm, in the system of Snyder, in order to have the system be capable of automatically learning which factors are most important in searching for a particular image or for a particular type of image (column 2, line 25-29).

**(4) Regarding claim 27:**

Snyder discloses all the subject matter as described in claim 25 above.

Snyder does not explicitly mention the automatically billing the requestor based on the generated or developed image data or image information product.

Jebens et al., in analogous environment, teaches a method and apparatus for storing and printing digital images, where automatically billing the user (column 17, line 55-57; and line 65-67), (the sending of invoices to the users is read as the billing of users).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the method of Jebens et al., where billing the requestor, in the method of Snyder in order to provide storage of data as digital image and for routing and delivering orders incorporating a selected subsets of the stored data to a publishing facility or the like (column 1, line 10-13).

**Conclusion**

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Contact Information:**

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amara Abdi whose telephone number is (571)270-1670. The examiner can normally be reached on Monday through Friday 8:00 Am to 4:00 PM E.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amara Abdi/  
Examiner, Art Unit 2624

/Jingge Wu/  
Supervisory Patent Examiner, Art Unit 2624